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PATENT

Attorney Docket No. 22194(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barnes et al.

Serial No.: 10/632,387

Art Unit: 3737

Filed: 08/01/2003

Examiner:

For: Optical Devices For Medical Diagnostics

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statement

Applicants submit herewith patents, publications, or other information, of which they are aware that they believe may be material, as defined in 37 CFR § 1.56(b), to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 CFR § 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Information Disclosure Statement is not intended, pursuant to 37 CFR §1.97(h), to constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR §1.97(g), the filing of this Information Disclosure Statement should not be construed as a statement that a search has been made or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

2. Transmitted herewith and forming a part of this Information Disclosure Statement are forms PTO/SB/08A and 08B on which are listed items of information.

US Patent Documents

A1	5,318,024	Kittrell et al.	06/07/994
A2	5,782,770	Mooradian et al.	07/21/1998
A3	6,002,480	Izatt et al.	12/24/1999
A4	6,069,689	Zeng et al.	05/30/2000
A5	6,088,606	Ignotz et al.	07/11/2000

Foreign Patent Documents

A6	WO 98/38907	Boppart et al.	09/11/1998
A7	WO 01/34031 A1	Bambot et al.	05/17/2001

Other Art – Non-Patent Literature Documents

B1 – Anderson, Peter E. et al.; Local Diffuse Reflectance From Three-Layered Skin Tissue Structures; SPIE Vol. 2979; pp 515-526

B2 – Bruulsema, J.T. et al.; Optical Properties of Phantoms and Tissue Measured in vivo from 0.9-1.3 μ m Using Spatially Resolved Diffuse Reflectance; SPIE Vol. 2979; pp 325-334

B3 – Choo-Smith, L.P. et al.; Medical Applications of Raman Spectroscopy: From Proof of Principle to Clinical Implementation; Biopolymers (Biospectroscopy), Vol. 67; pp 1-9; 2002

B4 – Georgakoudi, Irene et al.; Fluorescence, Reflectance, and Light-Scattering Spectroscopy For Evaluating Dysplasia in Patients With Barrett's Esophagus; Gastroenterology; 2001; pp 1620-1629

B5 – Liu, C.H. Et al.; Raman, fluorescence, and time-resolved light scattering as optical diagnostic techniques to separate diseased and normal biomedical media; J. Photochem. Photobiol. B: boil., 16; 1992; pp 187-209

B6 – Koenig, Frank et al.; Spectroscopic Measurement of Diffuse Reflectance For Enhanced Detection of Bladder Carcinoma; Urology 51 (2); 1998; pp 342-345

B7 – Nickell, Stephan et al.; Anisotropy of light propagation in human skin; Phys. Med. Biol. 45; 2000; pp 2873-2886

B8 – Palmer, Gregory M. et al.; Optimal Methods for Fluorescence and Diffuse Reflectance Measurements of Tissue Biopsy Samples; Lasers in Surgery and Medicine; 2002; pp 1-10

B9 – Parker, Mary et al.; Hyperspectral Diagnostic Imaging of the Cervix; Report on a New Investigational Device; J. of Lower Genital Tract Disease; Vol. 4 No. 3; 2000; pp 119-124

B10 – Richards-Kortum, Rebecca et al.; Quantitative Optical Spectroscopy For Tissue Diagnosis; Annu. Rev. Phys. Chem.; 1996; 47; pp 555-606

B11 – Zelenchuk, Alex R. et al.; Fluorescence and Reflectance Spectra of Freshly Excised Cervical Tissue; Optical Biopsy IV, Proceedings of SPIE; Vol. 4613; 2002; pp 51-58

3. This Information Disclosure Statement is being submitted before an action on the merits; therefore, it is believed no additional fee is due.

4. Only copies of Foreign Patent Documents and Other Art – Non-Patent Literature Documents are enclosed.

The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Respectfully submitted,



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May 3, 2005



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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

346

Application Number

10/632,387

Filing Date

08-01-2003

First Named Inventor

Barnes et al.

Art Unit

3737

Examiner Name

Attorney Docket Number

13265

22194(1)

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

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Amendment/Reply

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After Final

☐

Affidavits/declaration(s)

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Extension of Time Request

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Express Abandonment Request

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Information Disclosure Statement

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Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

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Licensing-related Papers

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Petition

☐Petition to Convert to a
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After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):Forms PTO/SB/08A and 08B; Copies of
Foreign Art; Copies of Articles; Return
Receipt Post Card**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Battelle Memorial Institute

Signature

Printed name

Klaus H. Wiesmann

Date

05-03-2005

Reg. No.

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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/632,387
Filing Date	08-01-2003
First Named Inventor	Barnes et al.
Art Unit	3737
Examiner Name	
Attorney Docket Number	13265 22194(1)

Sheet 2 of 3

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	B1	ANDERSON, PETER E. et al.; Local Diffuse Reflectance, Peter E. et al.; Local Diffuse Reflectance From Three-Layered Skin Tissue Structures; SPIE Vol. 2979; pp 515-526	
	B2	Bruulsema, J.T. et al.; Optical Properties of Phantoms and Tissue Measured in vivo from 0.9-1.3µm Using Spatially Resolved Diffuse Reflectance; SPIE Vol. 2979; pp 325-334	
	B3	Choo-Smith, L.P. et al.; Medical Applications of Raman Spectroscopy: From Proof of Principle to Clinical Implementation; Biopolymers (Biospectroscopy), Vol. 67; pp 1-9; 2002	
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	B10	Richards-Kortum, Rebecca et al.; Quantitative Optical Spectroscopy For Tissue Diagnosis; Annu. Rev. Phys. Chem.; 1996; 47; pp 555-606	

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		Filing Date	08-01-2003
		First Named Inventor	Barnes et al.
		Art Unit	3737
Examiner Name			
Sheet 3	of 3	Attorney Docket Number	13265 [22194(1)]

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Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	ZELENCHUK, Alex R. et al.; Fluorescence and Reflectance Spectra of Freshly Excised Cervical Tissue; Optical Biopsy IV, Proceedings of SPIE; Vol 4613; 2002; pp 51-58	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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